

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

**UNITED STATES PATENT AND TRADEMARK OFFICE**

---

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

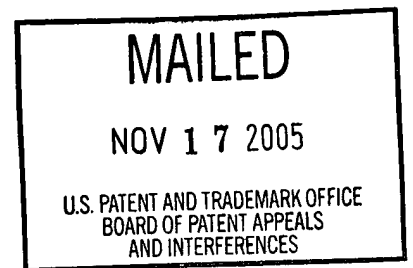
---

Ex parte CAMPBELL ROGERS,  
ELAZER R. EDELMAN, and  
DANIEL I. SIMON

---

Application No. 08/823,999

---



**ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER**

---

This application was electronically received at the Board of Patent Appeals and Interferences on August 30, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

We were unable to locate a copy of the following references relied on by the examiner on pages 4-6 of the Examiner's Answer mailed December 9, 2004:

- (1) Altieri et al., J. Biol. Chem. 268: 1847-1853 (1993)
- (2) Anderson, Disease-a-Month 39(9): 617-670 (1993)

- (3) Bendeck et al., J. Vasc. Res. 38: 590-599 (2001)
- (4) Dangas et al., Am Heart J. 132: 428-436 (1996)
- (5) Diamond et al., J. Cell. Biol. 130: 1473-1482 (1995)
- (6) Fattori et al., Lancet 361: 247-249 (2003)
- (7) Faxon et al., J. Am Coll Cardiol 40: 1199-1204 (2002)
- (8) Hemker et al., Emerging Drugs 4: 175-195 (1999)
- (9) Ikeda et al., Am Heart J. 128: 1091-1098 (1994)
- (10) Inoue et al., JACC 28: 1127-1133 (1996)
- (11) Kling et al., Circulation Research 77: 112-128 (1995)
- (12) Kling, Arteriosclerosis and Thrombosis 12: 997-1007 (1992)
- (13) Kuntz, Science 257: 1078-1031 (1992)
- (14) Mazzone et al., Circulation 88: 358-363 (1993)
- (15) Pimanda et al., Curr. Drug Targets Cardiovas, Haematol. Disord 3 (2): 101-123 (2003)
- (16) Rogers et al., Circulation 88: 1215-1221 (1993)
- (17) Schwarz et al., Thrombosis Research 107: 121-128 (2002)
- (18) Welt et al., Arterioscler Thromb Vasc Biol 22: 1769-1776 (2002)
- (19) Wu et al., Thrombosis Research 101: 127-138 (2001)
- (20) Rogers et al., Circulation 100 (Supp 1)(No. 18): #1742, 11/2/99 (Exhibit)
- (21) Taber's Cyclopedic Medical Dictionary, 18<sup>th</sup> Ed., pages 130, 1666 and 1828 (1997)

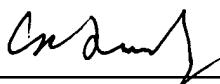
Application No. 08/823,999

Accordingly, it is

**ORDERED** that the application is returned to the Examiner to

- locate the missing references;
- have complete copies scanned into the IFW file; and
- for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES



---

Craig R. Feinberg  
Program and Resource Administrator  
(571) 272-9797

Patrea Pabst  
Pabst Patent Group LLP  
400 Colony Square  
Suite 1200  
Atlanta, GA 30361

dem